



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/334,256 06/16/99 RICHARDSON

S M3653.0001/P

TM02/0214  
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
2101 L STREET NW  
WASHINGTON DC 20037-1526

EXAMINER

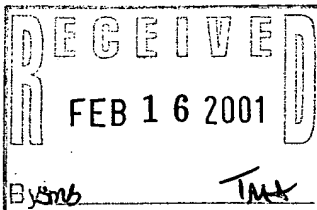
THOMPSON JR, F

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 02/14/01



Encls 2/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

30 Day Resp Due  
Docketed  
Client/Matter# M3653.0001/P001 Atty JUS/ASK  
Due Date 3-16-01 (OK)  
Final Deadline 8-16-01 (OK)  
DKTD By TSK  
R/C FEB 23 2001

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### DETAILED ACTION

1. Claims 1-10 are pending.
2. The reply filed on 08 December 2000 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): the inserted and deleted texts in the proposed claims was not properly marked (see para. 3 below). See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).
3. Examiner notes that applicant's response with a revised amendment should not reference the reply filed on 08 December 2000 for changes as this paper was not entered into the record. Rather, the amendment should reference the claims as originally filed.

### *Response to Amendment*

4. The reply filed on 08 December 2000 is not fully responsive to the prior Office action and the amendment to the claims has not been entered, because the amendment is not properly marked to show insertions and deletions. See 37 CFR 1.121(a)(2)(ii) below:

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The amendment to the claims should be made in accordance with 37 CFR 1.121(a)(2)(ii) which states:

(ii) Claim cancellation or rewriting: A claim may be amended by directions to cancel the claim or by rewriting such claim with underlining below the matter added and brackets around the matter deleted. The rewriting of a claim in this form will be construed as directing the deletion of the previous version of that claim. If a previously rewritten claim is again rewritten, underlining and bracketing will be applied relative to the previous version of the claim, with the parenthetical expression "twice amended," "three times amended," etc., following the original claim number. The original claim number followed by that parenthetical expression must be used for the rewritten claim. No interlineations or deletions of any prior amendment may appear in the currently submitted version of the claim. A claim canceled by amendment (not deleted and rewritten) can be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

Applicant used *underlining* and *line-through* to indicate amended claim language, instead of *underlining* below the matter added and *brackets* around the matter deleted.

Since the above-mentioned reply appears to be *bona fide*, applicant is given TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

#### ***Response to Arguments***

5. Applicant's arguments with respect to amended claims 1-10 and new claims 11-23 have been considered but are moot in view of the new ground(s) of rejection.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson whose telephone number is (703) 306-5449. The examiner can normally be reached Monday-Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

January 30, 2001 /FOI



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
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If the contents of the attached correspondence has any clerical omissions, e.g., missing references or pages, illegible text, other problems or concerns of this nature which you wish to bring to my attention, please call or fax me as soon as possible. I will take the appropriate action to expedite the necessary corrections.

Verlene D. Green  
Head, Supervisory Legal Instruments Examiner  
Technology Center 2100  
(703) 305-4376

Fax No. (703) 308-9051 or (703) 308-9052

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## **Attention: Policy on Returning Phone Calls**

A PTO-wide customer service standard is if a PTO employee being called is not available, they will return your call by the next business day, or, if you request, an alternate point of contact will be provided. Technology Center 2100 is committed to meeting this service standard. If you have called any employee in our Technology Center and have not received a return phone call within one (1) business day or have not been provided another point of contact, please contact the Technology Center at 703-306-5631. We ensure that you will receive a return phone call, from an employee with the ability to assist you, within four (4) business hours of this contact. We appreciate your help in assisting us to help you.

# A Brief Summary of Some Significant Rule Changes

\*Unless otherwise specified in the rule, the effective date for the **PBG-FINAL RULE** is November 7, 2000.

## Amendment Practice (37 CFR 1.121)•

- Specification/Claims
  - Amendment by paragraph replacement or rewritten claim in clean form
  - Marked-up version showing changes must be supplied

See § 1.121 Slides on **PBG-FINAL RULE** Webpage for suggested amendment **FORMAT** (Optional now; mandatory March 1, 2001)

## Small Entity Status (37 CFR 1.27) - **FORMS NO LONGER REQUIRED** (Eff. Sept. 8, 2000):

- Mere written assertion (e.g., use check box on Application Transmittal Forms) is acceptable

## Abstract and Title Length (37 CFR 1.72)

- **Abstract** now limited to 150 words (PBG)
- **Title** now limited to 500 characters (AIPA)

## Application Data Sheet (ADS) (37 CFR 1.76) **NEW**

- Use of ADS encouraged for more accurate capture of bibliographic data. Data in ADS not needed in declaration.

## After Allowance Practice (37 CFR 1.85(c) and 1.136)

- No extensions of time permitted to file corrected or formal drawings

## Elimination of Issue Fee Preauthorizations (37 CFR 1.311)

- Preauthorizations prior to Notice of Allowance no longer permitted

## Rocket Docket Established for Designs (37 CFR 1.155)

- Extra submissions plus \$900 fee is required

## Proof of Authority of Legal Representative (37 CFR 1.44)

**THIS RULE HAS BEEN DELETED.** (Eff. Sept. 8, 2000):

- Oath/Dec. (§1.63) should identify legal rep for deceased/incapacitated inventor

## Parts of Applications on CD-R or CD-ROM (37 CFR 1.52 (e), 1.58, 1.96 & 1.821)

- Large tables, computer program listings, and bio-sequences now allowed on CD

# Patent Business Goals Final Rule

65 Fed. Reg. 54604 (September 8, 2000)

1238 Off. Gaz. Pat. Office 77 (September 19, 2000)



## USPTO's **PBG-FINAL RULE**

webpage has helpful related information at one location:

<http://www.uspto.gov/web/offices/dcom/olia/pbg/index.html>

This site includes:

a Listing of Affected Rules,  
Training & Implementation  
Materials including Training  
Slides, Q & A's, Summaries,  
Effective Date Chart, Forms  
Changed by Recent Rules, etc.

Contact:

Bob Spar (703) 308-5107 or  
Hiram Bernstein (703) 305-8713  
for any PBG Change.

Joe Narcavage (703) 305-1795  
for 37 CFR 1.121  
Amendment Practice Changes

Eugenia Jones (703) 306-5586  
for 37 CFR 1.27 Small Entity  
Changes

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